

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

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WRIT PETITION NO : 25469 of 2003 and 2146 of 2004

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W.P.No. 25469 of 2003

Between:

- 1 Sirivella Bhaskara Rao, s/o Venkateswarlu,
Sub-Staff, Andhra Bank, Dargamitta Branch, Nellore, Nellore District.
- 2 Oggu Venkateswarlu, S/o Sreeramulu
Sub-staff, Andhra Bank, Chinna Bazar Branch, Nellore, Nellore District.

..... PETITIONERS

AND

- 1 The Andhra Bank, rep., by its Chairman and Managing Director, Dr.Pattabhi
Bhavan, Secretariat Road,Hyderabad.
- 2 The Andhra Bank, Zonal Office, Tirupathi, Chittoor District rep., by its
Deputy General Manager.
- 3 The Andhra bank, Dargamitta Branch, Nellore rep., by its Branch Manager.
- 4 The Andhra Bank, Chinna Bazar Branch, Nellore, rep., by its

Branch Manager.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ, declaring the action of the respondents in

giving artificial breaks to the services of the petitioners and not continuing them atleast in the present Branches where they are working in permanent vacancies of Sub-Staff, pending their regularisation, as illegal, arbitrary and violative of Article 21 of the Constitution of India and it is further consequentially prayed that this Hon'ble Court may be pleased to direct the respondents not to give any breaks to the services of the petitioners in the two respective branches where they are working at present

WRIT PETITION NO : 2146 of 2004

Between:

- 1 Dasari Prakasam, S/o.Ankaiah,
Sullurupet Branch,Sullurupet, Nellore Dist.
- 2 Meka Kantha Rao, S/o.Lakshmaiah,
Kavali Branch,Kavali, Nellore dist.

..... PETITIONERS

AND

- 1 The Andhra Bank, rep. by its Chairman & M.D., Dr.Pattabhi Bhavan,
Secretariat, Saifabad, Hyderabad.
- 2 The Andhra Bank, Zonal office,Tirupathi, Chittoor Dist.
rep. by its Dy.General Manager.
- 3 The Andhra Bank, Sullurupet Branch, Sullurupet,Nellore Dist.
rep. by its Branch Manager.
- 4 The Andhra Bank, Kavali Branch, Kavali, Nellore Dist.
rep. by its Branch Manager.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ, declaring the action of the respondents in giving artificial breaks to the services of the petitioners and not continuing them atleast in the present branches where they are working in permanent vacancies of sub-staff, pending their regularisation, as illegal, arbitrary and inviolation of Art.21 of the Constitution of India and it is further consequently prayed that this Hon'ble court may be pleased to direct the respondents not to give any breaks to the services of the petitioner in the respective branches where they are working at present.

Counsel for the Petitioners: MR.S.R.SANKU

(in both the cases)

Counsel for the Respondents MR.NUTY RAM MOHAN RAO

(in both the cases)

The Court made the following :

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COMMON ORDER:

These two writ petitions are filed seeking a writ of mandamus declaring the action of the respondents in giving artificial brakes in the services of the petitioners and not continuing them atleast in the present branches where they are working in permanent vacancies of sub-staff, pending their regularization, as arbitrary, illegal.

At the interlocutory stage, both the learned counsel agreed that the writ petitions themselves could be disposed of. Therefore, they are being disposed of.

A detailed counter affidavit has been filed on behalf of the respondents stating that an agreement was entered under Section 12 (3) of the Industrial disputes Act, (for short 'the Act'), and as per the said settlement, the petitioners are entitled for empanelment and engagement of their services in the respondent-Bank on rotation basis, till their absorption on regular basis.

There is no dispute as to the settlement arrived at under Section 12(3) of the Act, between the Management and the petitioners.

In the above circumstances, the writ petitions are disposed of directing the respondents to engage the petitioners as per the terms and conditions of the settlement, dated 09.01.1995 under Section 12(3) of the Act, till they are absorbed on regular basis. No order as to costs.

01-12-2004

klp

To

1 The Chairman and Managing Director, Andhra Bank, Dr.Pattabhi

Bhavan, Secretariat Road,Hyderabad.

2 The Deputy General Manager, Andhra Bank, Zonal Office,

Tirupathi, Chittoor District.

3 The Branch Manager,Andhra bank, Dargamitta Branch, Nellore

4 The Branch Manager, Andhra Bank, Chinna Bazar Branch, Nellore.

5 The Branch Manager, Andhra Bank, Sullurupet Branch, Sullurupet,

Nellore Dist.

6 The Branch Manager, Andhra Bank, Kavali Branch, Kavali, Nellore Dist.

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